

The Character of Thomas Merkes, Bishop of Carlisle, out of Bishop Godwin's Commentaries of the Bishops of England, Part 2. pag. 149. Together with his Speech in the last Parliament of King Richard II. Anno 1399. as it is recorded by Sir John Hayward, in the first Part of the Life and Reign of K. Henry IV. pag. 101. Printed at London by John Wolf, Anno 1599.

THE CHARACTER.

Thomas Merkes, a Monk of Westminster, was made Bishop of Carlisle by the Pope, at the Request of King Richard II. Anno 1397. against the liking of the Chapter, and consecrated the same Year; who being entr'd upon his Charge, shew'd himself not unworthy of his Office: For besides that he is commended for his Learning, and his no small Prudence, he is celebrated, and that not undeservedly; in the first place for his singular Faith and Constancy towards his Patron K. Richard; as likewise for his famous Magnanimity, that without any Fear he boldly profess'd his Loyalty, not without great and manifest Danger, when he might honestly have held his peace, and ought to have done so, if he had regarded only his own safety.

There were some of the Nobles who did not desert the Cause of that unfortunate Prince, till he was Prisoner to his Rival, Henry Duke of Lancaster. But this Prelate despising the danger that hung over himself, would not desert the King, even when he had some while before deserv'd himself; but dur'd manfully defend the King and his Cause, when he had lost his Power and Interest, and when he certainly might conclude, that no sort of Benefit could redound to the King, but Ruine might befall himself thereby.

At that very time when the mad multitude, always excessive in their Passions, not content to have deposed King Richard, and placed Henry

of Lancaster (their Darling) in his Throne, but with their Clamours seemed to extort from the Parliament, that they might deal yet more severely with the King; and there were not wanting some in the Parliament it self, who cast out dark and ambiguous Speeches, of putting him to death; this Bishop then was not afraid to pronounce, That there were none there present, who had right to proceed to Judgment against the King, whom as their lawfull Prince they had obeyed twenty two Years.

Some few Heads of this Speech being onely related by Bishop Godwin, the whole is therefore, without any alteration, (Spelling excepted) here printed from Sr. *John Hayward's* Book.

When the Inheritance of the Crown was settled on *R. Henry*, and his Line, it was moved in Parliament, what should be done with *King Richard*? In answer to which the Bishop of *Carlisle* declared as followeth.

The SPEECH.

THis Question (right honourable Lords) concerneth a matter of great consequence and Weight; the determining whereof will assuredly procure either safe Quiet, or dangerous Disturbance, both to our particular Consciences, and also to the common State: Therefore before you resolve upon it, I pray you call to your considerations these two things: First, Whether *King Richard* be sufficiently deposed or no. Secondly, Whether *King Henry* be with good Justice or Judgment chosen in his place. For the first point, we are first to examine, Whether a King, being lawfully and fully instituted by any just Title, may upon imputation either of Negligence, or of Tyranny, be deposed by his Subjects. Secondly, What *King Richard* hath omitted in the one, or committed in the other, for which he should deserve so heavy Judgment. I will not speak what may be done in a popular State, or in a consular; in which although one beareth the name and honour of a Prince, yet he hath not supreme power of Majesty; but in the one the People have the highest Empire, in the other the Nobility and chief Men of Estate; in neither the Prince. Of the first sort was the Commonwealth of the *Lacedaemonians*, who after the Form of Government which *Lycurgus* framed, oftentimes fined, oftentimes fettered their Kings, and sometimes condemned them to death. Such were also in *Cæsar's* time the petty Kings of every City in *France*, who were many times arraigned

reigned upon Life and Death, and (as *Ambixix*, Prince of the *Lodienfes*, confessed) had no greater Power over the People, than the People had over them. Of the second condition were the Roman Emperours at the first; of whom some, namely, *Nero* and *Maximinus*, were openly condemned; others were suddenly surprized by Judgment and Authority of the Senate: and such are now the Emperours of *Germany*, whom the other Princes, by their Aristocratical Power, do not only restrain, but sometimes also remove from their imperial State. Such are also the Kings of *Denmark* and *Sweveland*, who are many times by the Nobility dejected, either into Prison or Exile. Such likewise are the Dukes of *Venice*, and of some other free States in *Italy*; and the chiefest cause for which *Lewis* Earl of *Flanders* was lately expelled from his place, was for drawing to himself cognisance in matters of Life and Death, which high Power never pertained to his Dignity.

*Tranquil.
in Calig.
Tacitus
in præm.*

In these and such like Governments, the Prince hath not regal Rights, but is himself subject to that Power which is greater than his, whether it be in the Nobility, or in the common People. But if the Sovereign Majesty be in the Prince, as it was in the three first Empires, and in the Kingdoms of *Judea* and *Israel*, and now is in the Kingdoms of *England*, *France*, *Spain*, *Scotland*, *Moscovia*, *Turkey*, *Tartaria*, *Persia*, *Ethiopia*, and almost all the Kingdoms of *Asia* and *Africk*; although for his Vices he be unprofitable to the Subjects, yea hurtfull, yea intolerable; yet can they lawfully neither harm his Person, nor hazard his Power, whether by Judgment, or else by Force; for neither one nor all Magistrates have any authority over the Prince, from whom all Authority is derived, and whose onely Presence doth silence and suspend all inferior Jurisdiction and Power. As for Force, what Subject can attempt, or assist, or counsel, or conceal Violence against his Prince, and not incur the high and heinous Crime of Treason?

It is a common Saying, *Thought is free*: Free indeed from punishment of secular Laws, except by Word or Deed it break forth into Action. Yet the secret Thoughts against the Sacred Majesty of a Prince, without attempt, without endeavour, have been adjudged worthy of death; and some who in auricular Confession have discovered their treacherous Devices against the Person of their Prince, have afterwards been executed for the same. All Laws do exempt a Mad-man from punishment, because their Actions are not governed by their Will and Purpose: and the Will of Man being set aside, all his doings are indifferent; neither can the Body offend without a corrupt or erroneous Mind; yet if a

Mad-man draw his Sword upon his King, it hath been adjudged to deserve death. And lest any man should surmise that Princes, for the maintenance of their own Safety and Sovereignty, are the onely Authours of these Judgments, let us a little consider the Patterns and Precepts of holy Scripture. *Nebuchadnezzar*, King of *Affyria*, wasted all *Palestine* with Fire and Sword, oppugned *Jerusalem* a long time, and at last expugned it, slew the King, burnt the Temple, took away the holy Vessels and Treasure; the rest he permitted to the Cruelty and Spoil of his unmercifull Soldiers, who defiled all places with Rape and Slaughter, and ruined to the ground that flourishing City: After the glut of this bloody Butchery, the People which remained he led captive into *Chaldea*, and there erected his golden Image, and commanded that they which refused to worship it, should be cast into a fiery Fornace.

What Cruelty, what Injustice, what Impiety is comparable to this? And yet God calleth *Nebuchadnezzar* his Servant, and promi-
 Jer 25. 9. seth him Hire and Wages for his Service: And the Prophets *Jeremiab*
 Jer. 29. 7. and *Baruch* did write unto the *Jews*, to pray for the Life of him,
 Baruc. 1. and of *Balthasar* his Son, that their Days might be upon Earth as the
 11.

Ezek. 12. Days of Heaven: And *Ezechiel*, with bitter terms, abhorred the
 18: Disloyalty of *Zedechiab*, because he revolted from *Nebuchadnezzar*, whose Homager and Tributary he was. What shall we say of *Saul*? Did he not put all the Priests to Execution, because one of them did relieve holy and harmless *David*? Did he not violently persecute that his most faithfull Servant, and dutifull Son in Law? During which Pursuit, he fell twice into the power of *David*; who did not only spare, but also protect the King, and reprove the Pretorian Soldiers for their negligent Watch, and was touched in Heart for cutting away the lap of his Garment; and afterwards, caused the

So did *Domitian* put to death *Epa- phroditus*, Nero's Libertine, because he helped *Nero* (although in love) to kill himself. So did *Severus* kill all the killers of *Perrinax*, his Predecessour: and likewise *Vitellius* did put to death all the Murderers of *Galba*. *Theophilus*, Emperour of *Grecia*, caused all those to be slain who had made his Father Emperour by killing *Leo Armanius*. And *Alexander* the Great put to cruel Execution those that had slain *Darius*, his mighty and mortal Enemy.

Messenger to be slain, who upon Request, and for Pity, had lent his Hand (as he said) to help forward the voluntary death of that sacred King. As for the contrary Examples, as that of *Jebo*, who slew *Jebo-ram* and *Abazia*, Kings of *Israel* and *Judah*, they were done by expresse Oracle and Revelation from God, and are no more set down for our Imitation, than the robbing of the Egyptians, or any other particular and privileged Commandment, but in the general Precept, which all men must ordinarily follow, not onely our Actions, but
 our

our Speeches also, and our very Thoughts, are strictly charged with Duty and Obedience unto Princes; whether they be good or evil. The Law of God ordaineth, that *he which dash presumptuously against the Ruler of the People, shall die*; and the Prophet David forbiddeth to touch the Lord's Anointed. *Thou shalt not* (saith the Lord) *rail upon the Judges, neither speak evil against the Ruler of the People*. And the Apostles do demand further, that even our Thoughts and Souls be obedient to the higher Powers: And, lest any should imagine that they meant of good Princes only, they speak generally of all; and further to take away all doubt, they make express mention of the Evil, for the Power and Authority of wicked Princes is the Ordinance of God: And therefore Christ told *Pilate*, that the Power which he had, was given him from above: And the Prophet *Esay* calleth *Cyrus*, being a prophane and heathen Prince, the Lord's Anointed. For God stirreth up the Spirit even of wicked Princes, to do his Will; and (as *Jehoshaphat* said to his Rulers) they execute not the Judgment of Man, but of the Lord; in regard whereof, *David* calleth them Gods, because they have their Rule and Authority immediately from God; which if they abuse, they are not to be adjudged by their Subjects, for no Power within their Dominion is superior to theirs; but God reserveth them to the sorest Trial: *Horribly and suddenly* (saith the Wise Man) *will the Lord appear unto them, and an hard Judgment shall they have*.

The Law of God commandeth, that the Child should be put to death for any Contumely done unto the Parents: But what if the Father be a Robber, if a Murderer, if, for all Excess of Villanies, odious and execrable both to God and Man? Surely he deserveth the highest degree of Punishment, and yet must not the Son lift up his Hand against him; for no Offence is so great, as to be punished by Parricide. But our Country is dearer to us than our Parents, and the Prince is *Pater patriæ*, the Father of our Country; and therefore more sacred and dear unto us than our Parents by Nature, and must not be violated, how imperious, how impious soever he be. Doth he command, or demand, our Persons, or our Purse? We must not shun for the one, or shrink for the other; for (as *Nebemiah* saith) *Kings have Dominion over the Bodies, and over the Cattle of their Subjects, at their pleasure*. Doth he enjoyn those Actions which are contrary to the Laws of God? We must neither wholly obey, nor violently resist; but with a constant Courage submit our selves to all manner of Punishment, and shew our Subjection by enduring, and not performing. Yea, the Church hath declared it to be an Heresie, to hold, that a Prince may be slain or deposed by his Subjects;

Deut. 17.

12.

Psal. 105.

15.

Exod. 22.

28.

Act. 23. 5.

Rom. 13.

1. 13.

Tit. 3. 1.

1 Pet. 2.

13. 14. 17.

1 Tim. 2. 2.

Rom. 13. 2.

Joh. 19. 11.

Isa. 45. 1.

2 Chron.

36. 22.

& 19. 6.

Psal. 28.

Sap. 6.

Quintil. in

declam.

Cic. offic.

lib. 1.

Neh. 9. 37.

Alphon. a

c. 1. in lib.

de heresi

in verb.

Tyrannus.

Dominic.

Soto. l. 5.

de just. &

jur. q. 1.

artic. 3.

jects; for any Disorder or Default, either in Life, or else in Government, there will be Faults so long as there are Men: And as we endure with patience a barren Year, if it happen, and unseasonable Weather, and such other Defects of Nature; so must we tolerate the Imperfections of Rulers, and quietly expect either Reformation, or else a Change.

But alas, good King *Richard*! What such Cruelty, what such Impiety hath he ever committed? Examine rightly those Impurations that are laid against him, without any false Circumstance of Aggravation, and you shall find nothing objected, either of any truth, or of great moment. It may be that many Errors and Oversight have escaped him, yet none so grievous to be termed Tyranny; as proceeding rather from unexperient Ignorance, or corrupt Council, than from any natural and wilful Malice. Oh, how shall the World be peester'd with Tyrants, if Subjects may rebel upon every pretence of Tyranny? How many good Princes shall daily be suppressed by those, by whom they ought to be supported? If they levy a Subsidy, or any other Taxation, it shall be claimed Oppression: If they put any to death for traitorous Attempts against their Persons, it shall be exclaimed Cruelty: If they do any thing against the Lust and Liking of the People, it shall be proclaimed Tyranny.

But er it be, that without Authority in us, or Desert in him, King *Richard* must be deposed; yet what Right had the Duke of *Lancaster* to the Crown, or what reason have we, without his Right, to give it to him? If he make Title as Heir unto King *Richard*, then must he yet stay until King *Richard's* death; for no Man can succeed as Heir to one that liveth. But it is well known to all Men, who are not either wilfully blind, or grossly ignorant, that there are some now alive, lineally descended from *Lionel* Duke of *Clarence*, whose Offspring was, by Judgment of the high Court of Parliament, hold the 8th Year of the Reign of King *Richard*, declared next Successor to the Crown, in case King *Richard* should die without Issue. Concerning the Title from *Edmond Crouchback*, I will pass it over, seeing the Authors thereof are become ashamed of so absurd Abuse, both of their own Knowledge, and our Credulity: and therefore all the Claim is now made, by Right of Conquest, by the Cession and Grant of King *Richard*, and by the general Consent of all the People. It is a bad Wool, that can take no Colour: But what Conquest can a Subject pretend against his Sovereign, where the War is Insurrection, and the Victory high and heinous Treason? As for the Resignation which King *Richard* made, being a pent Prisoner for the same cause, it is an Act exacted by force, and therefore of no force and validity

to bind him; and seeing that, by the Laws of this Land, the King alone cannot alienate the ancient Jewels and Ornaments pertaining to the Crown, surely he cannot give away the Crown it self, and therewithal the Kingdom.

Neither have we any Custom, that the People at pleasure should elect their King; but they are always bound unto him who, by Right of Blood, is right Successor; much less can they confirm and make good that Title, which is before by Violence usurped; for nothing can then be freely done, when Liberty is once restrained by Fear. So did *Scilla*, by terrour of his Legions, obtain the Law of *Velleia* to be made, whereby he was created Dictator for four-score Years: And by like impression of Fear, *Cæsar* caused the Law *Servia* to be promulged, by which he was made perpetual Dictator; but both these Laws were afterward adjudged void. As for the deposing of King *Edward II*, it is no more to be urged, than the poisoning of King *John*, or the murdering of any other good and lawful Prince; we must live according to Laws, and not to Examples; and yet the Kingdom was not then taken from the lawful Successor. But if we look back to Times lately past, we shall find these Titles were more strong in King *Stephen*, than they are in the Duke of *Lancaster*; for King *Henry I*, being at large liberty, neither restrained in Body, nor constrained in Mind, had appointed him to succeed, (as it was, upon good Credit, certainly affirmed:) The People assented to this Designment, and thereupon, without Fear, and without Force, he was anointed King, and obtained full Possession of the Realm. Yet *Henry*, (Son of the Earl of *Anjou*), having a nearer Right, by his Mother, to the Crown, (notwithstanding his Father was a Stranger, and himself born beyond the Seas,) raised such rough Wars upon King *Stephen*, that there was no end of spoiling the Goods, and spilling the Blood of the unhappy People, besides the Ruins and Deformities of many Cities and Holds, until his lawful Inheritance was to him assured. It terrifieth me to remember how many flourishing Empires and Kingdoms have been, by means of such Contentions, either torn in pieces with detestful Division, or subdued to Foreign Princes, under pretence of Assistance and Aid: And I need not repeat how often this Realm hath heretofore been shaken with these several Mischiefs, and yet neither the Examples of other Countries, nor the Miseries of our own, are sufficient to make us to beware.

O *English-men*, worse bewitched than the foolish *Gallatians*; our unstayed Minds, and restless Resolutions, do nothing else but hurt after our own Harms: No People have more Hatred abroad, and

nowe had Quiered them; In other Countries the Sword of Iniquity hath been shaken against us, in our own Land the Fire of Inimic-
tion hath been kindled among us; and what are these Innova-
tions, but Whet-stones to sharpen the one, and Bellows to blow up
the other.

Certainly I fear that the same will happen unto us, which ~~the~~
fablerh to have been fallen unto the Frogs; who being desirous to
have a King, a Beam was given unto them, the first Fall whercof
did Put them in some fear; but when they saw it lie still in the
Stream, they insulsd thereon with great Contempt, and desired a
King of quicker Courage: Then was sent unto them a Stork, which
stalking among them with stately Steps, continually devoured them.
The Mildness of King *Richard* hath bred in us this Scorn, inter-
preting it to be Cowardice, and dulness of Nature; the next Heir is
likewil- rejected: I will not say, that with greater Courage, we shall
find greater Cruelty; but if either of these shall hereafter be able to
set up their Side, and bring the matter to trial by Arms, I do as-
suredly say, that which Part soever shall carry the Fortune of the
Field, the People both ways must go to wrack.

And thus I have declared my Mind concerning this Question, in
more Words than your Wisdom, yet fewer than the weight of the
Cause doth require; and do boldly conclude, that we have neither
Power nor Policy, either to depose King *Richard*, or to elect Duke
Henry in his place; that King *Richard* remaineth still our Sovereign
Prinee, and therefore it is not lawful for us to give Judgment upon
him: That the Duke, whom you call King, hath more offended
against the King and the Realm, than the King hath done, either
against him, or us; for, being banished the Realm for ten Years,
by the King and his Council, (amongst whom, his own Father was
chief,) and sworn not to returnn without special License, he hath
not only violated his Oath, but with impious Arms disturbed the
Quiet of the Land, and dispossessed the King from his Royal Estate,
and now demandeth Judgment against his Person, without Offence
proved, or Defence heard. If this Injury, and this Perjury doth
nothing move us, yet let both our private and common Dangers
somewhat withdraw us from these violent Proceedings.

F I N I S.